

**TOWN OF WEST HARTFORD
ZONING BOARD OF APPEALS
WEDNESDAY, MARCH 21, 2018
DRAFT MINUTES**

ROLL CALL: 7:00 PM

ATTENDANCE: Chairperson Lisa Sadinsky; Commissioners: Todd Doyle, Jared Grise, Donald Neville and Josh Smilowitz; Alternates: Michael D'Amato, Angelo DiMatteo and Michael Johnson; Brittany Bermingham, Planning Technician and Acting Secretary to the ZBA, Brian Pudlik, ZEO and Secretary to ZBA

The Zoning Board of Appeals met in the Legislative Chamber, Room 314, 50 South Main Street, West Hartford on Wednesday, March 21, 2018, at 7:00 p.m., to hear and act on the following petitions:

#14-17 Appeal of the Zoning Enforcement Officer's decision to sign the permit application issued through the Town of West Hartford Division of Engineering thereby allowing the replacement and expansion of the driveway and parking area at 46 Kingswood Road such that it is, at certain points, closer than two (2) feet to the property line of 50-52 Kingswood Road and that it creates an unsafe condition.

Postponed from the February 22, 2018 regular meeting of the ZBA

At the regular meeting of the Zoning Board of Appeals the following action was taken:

Commissioner Sadinsky made a motion to sustain the appeal, second by Commissioner Neville. In reaching its decision, the Board made the following findings:

1. The zoning ordinances do not establish required setbacks for driveways.
2. Issues of property line encroachments and/or property damage are civil matters and not under the jurisdiction of the Zoning Board of Appeals.
3. There is no indication that the installed driveway creates an unsafe condition.
4. The Zoning Enforcement Officer did not act inappropriately in signing the driveway permit for 46 Kingswood Road, which was issued by the Engineering Division.

VOTE: 0-5 **Voting in favor – None**
Opposed – Commissioners Sadinsky, Doyle, Neville, Smilowitz, Johnson (seated for Grise who recused)

#03-18 **1563 Asylum Avenue** – Petition of J. Tunskey of TO Design, LLC requesting a variance to Section 177-33 (E)(3) Signs in connection with special use permits (This request was heard at the February 22, 2018 regular meeting of the ZBA). Also requesting a variance to Section 177-33(C)(1), which limits the height of ground signs in a residential district to eight (8) feet. Requesting a 3'-4" variance to the eight (8) foot height limitation for the installation of an 11'-4" high archway sign, per plans on file. **R-10 zone**
This item was opened and continued at the February 22, 2018 meeting of the ZBA in order to properly notice the height variance request which was not included in the original notice.

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:



Commissioner Johnson made a motion to grant the petition; second by Commissioner Doyle. In reaching its decision, the Board found the following conditions to exist:

1. Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances
2. Variance request is minor and will not adversely impact neighboring properties.
3. Variance is in character with existing features in the park.
4. The size and nature of this property as a public park with many entry and exit points lends itself to numerous wayfinding signs.
5. The size of the proposed archway sign is optimized to allow for both pedestrian and bicycle passage.

VOTE: 5-0; Voting in favor were Commissioners: D'Amato, Doyle, Grise, Johnson and Smilowitz

Petition approved.

#05-18 851 Prospect Avenue – Petition of W & M Samson requesting a variance to section 177-20, Obstructions in Yards. Requesting a +/-5' variance to the required 10' side yard setback requirement for the construction of a new 25'x 25' garage addition in the same area as a smaller existing garage, per plans on file.
R-10 zone

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Neville made a motion to grant the petition; second by Commissioner Grise. In reaching its decision, the Board found the following conditions to exist:

1. Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances.
2. Variance request is minor and will not adversely impact neighboring properties.
3. Variance request maintains the existing character of the property.
4. The proposed garage does not encroach any further into the side yard setback than the existing carriage house structure.

VOTE: 5-0; Voting in favor were Commissioners: Doyle, Grise, Neville, Sadinsky and Smilowitz
Petition approved.

#06-18 43 Cody Street – Petition of G. Gatzen requesting a variance to section 177- 20, Obstructions in Yards. Requesting a +/- 2.75' variance to the required 4' side yard setback requirement for the installation of a new 33 inch air conditioning unit, per plans on file. **IG zone**

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Neville made a motion to grant the petition; second by Commissioner Doyle. In reaching its decision, the Board found the following conditions to exist:

1. Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances.
2. Variance request is minor and will not adversely impact neighboring properties.
3. The applicant has exhausted all other possible locations for the installation of the air conditioning unit.

VOTE: 5-0; Voting in favor were Commissioners: Doyle, Grise, Neville, Sadinsky and Smilowitz
Petition approved.

- Approval of minutes from the regular meetings held on November 15, 2017 (Motion: Grise; Second Doyle/Approved) & February 22, 2018 (Motion: Johnson; Second: Grise/ Approved
- Approval of the 2017 ZBA Annual Report (Motion: Neville; Second: Grise/Approved)
- Adjournment (Motion: Neville; Second: Grise/ Approved. Meeting adjourned at 8:50 pm)